

## **806 KAR 17:490. Hospice benefit requirements.**

RELATES TO: KRS 304.14-130, 304.32-160, 304.38-050

STATUTORY AUTHORITY: KRS 304.2-110(1), 304.17A-250(6)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 304.2-110(1) authorizes the Executive Director of Insurance to promulgate administrative regulations necessary for or as an aid to the effectuation of any provision of the Kentucky Insurance Code as defined in KRS 304.1-010. KRS 304.17A-250(6) requires all health benefit plans to cover hospice care at least equal to the Medicare benefits. EO 2003-064, filed December 23, 2003, created the Environmental and Public Protection Cabinet. EO 2004-031, filed January 6, 2004, abolished the Office of Insurance and transferred all its "duties, functions, responsibilities, records, equipment, staff and support budgets" to the Office of Insurance. This administrative regulation clarifies the requirement that a health benefit plan shall provide a hospice benefit at least equal to the Medicare hospice benefit.

Section 1. Definitions. (1) "Health benefit plan" is defined in KRS 304.17A-005(22).

(2) "Health savings account" is defined in 26 U.S.C. 223(d).

(3) "High deductible health plan" means a health benefit plan that qualifies as a high deductible health plan as defined in 26 U.S.C. 223(c)(2).

(4) "Hospice" means an entity defined in 42 C.F.R. 418.3 and approved by Medicare or licensed pursuant to KRS Chapter 216B.

(5) "Hospice benefit" means services described in 42 C.F.R. Part 418, Subpart F if provided by a hospice.

Section 2. Application of Deductible to a Hospice Benefit. A hospice benefit provided for a person covered under a high deductible health plan with a health savings account shall be subject to deductible amounts as established in the health benefit plan. (31 Ky.R. 13; Am. 569; eff. 9-15-2004; TAm eff. 8-9-2007.)